



FOX TELEVISION STATIONS, INC.

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A Unit of Fox Television

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June 22, 2005

Shaun Maher, Esq.
Federal Communications Commission
Room 2-A820
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15

Dear Mr. Maher:

Fox Television Stations, Inc. ("Fox"), permittee of television station WHBQ-DT, Memphis, Tennessee, File No. BMPCDT-20041029AIE, respectfully requests a waiver of the July 1, 2005 "use-it-or-lose-it" deadline for full-power DTV operation adopted by the Commission at paragraph 78 of the *Second DTV Periodic Review Report and Order of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, MB Docket No. 03-15, RM 9832, released September 7, 2004 (19 FCC Rcd 18,279), pursuant to the procedure set out in Public Notice DA 05-1636, released June 15, 2005.

WHBQ elected to return to channel 13, its current analog channel, after the transition to DTV. This will allow Fox to re-engineer WHBQ's full-power DTV facility. Although it will lengthen the time required to complete the project, this will result in WHBQ's being able to provide better DTV coverage to its community of license at the end of the DTV transition, and, therefore, Fox submits that the slight delay will be well justified by the improved DTV service WHBQ-DT ultimately will be able to provide to the public. WHBQ-DT has been operating at low power pursuant to Special Temporary Authority ("STA"), File No. BDSTA-200020510ABO, since May 2002, providing the requisite coverage of Memphis. By this letter, Fox also requests extensions of the referenced STA and Construction Permit.

WHBQ also is among those stations that cannot operate at full digital power because its top-mounted analog antenna requires that its digital antenna be side-mounted. The difference in analog service contours, were the antennas to be switched, would be only about 5 kilometers, and the difference in digital interference protection also is minimal. Therefore, WHBQ has opted to accept the resulting slight reduction in its digital service contours rather than move its analog antenna twice. WHBQ-DT will be able to move its digital antenna to the top of its tower and fully comply after analog operation terminates.

Fox has committed a considerable amount of capital towards WHBQ-DT's full-power operation and has let contracts for all aspects of the project. The documents attached hereto evidence these facts. The price terms are redacted, as this is proprietary information. A paper copy of this letter also is being filed with unredacted copies of the documents. Fox respectfully,
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requests that the cost figures in these documents be withheld from public inspection pursuant to Sections 0.457(d) and 0.459 of the Commission's Rules, 47 CFR Sections 0.457(d) and 0.459, as this information is proprietary and not otherwise available for public inspection.

So long as no unforeseen difficulty interferes with WHBQ's present construction schedule, WHBQ-DT should be operating with full facilities by the end of September 2005. This brief delay is necessitated by the fact that thunderstorms are quite common in the Memphis area during the summer, and such conditions will not permit work atop WHBQ's antenna tower without risking the safety of the tower crew. In light of its financial commitment to WHBQ-DT's full-power operation to date, Fox's good faith in this endeavor cannot be gainsaid.

As further evidence of good faith, the Media Bureau merely need look to the overall efforts of Fox Television Stations, Inc. ("Fox") in implementing DTV to date:

- Twenty-five of Fox's owned and operated stations have met all applicable deadlines and currently are operating at full replication or maximization facilities;
- Of Fox's remaining ten owned and operated stations, eight are operating low-power DTV facilities pursuant to STA and will be fully operational within this calendar year, one is operating a low-power DTV facility and will meet its full-power deadline of July 1, 2006, and one, a satellite station that does not have a DTV channel allotment, will "flash cut" to DTV;
- All of Fox's DTV facilities implemented dynamic PSIP in a timely fashion;
- Fox has granted digital carriage rights to numerous multichannel video providers nationwide on behalf of all of its owned and operated stations and includes digital carriage provisions in all of its retransmission consent agreements.

As the foregoing illustrates, Fox's commitment to DTV implementation cannot be questioned, and justifies a modest waiver of time for WHBQs-DT's full-power operation.

Respectfully submitted,

Molly Pauker

Attachments